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Attorneys for Defendant
Cook County Health

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NOEL CARTER, *individually and on behalf*
of all others similarly situated,

Plaintiff,

vs.

COOK COUNTY HEALTH and PERRY
JOHNSON & ASSOCIATES, INC.,

Defendants.

CASE NO. 2:23-cv-01866

**STIPULATION TO EXTEND DEFENDANT
COOK COUNTY HEALTH'S DEADLINE
TO RESPOND TO COMPLAINT**

(SECOND REQUEST)

1 TO THIS HONORABLE COURT, TO THE CLERK OF THE UNITED STATES
2 DISTRICT COURT FOR THE DISTRICT OF NEVADA, AND TO ALL PARTIES
3 THROUGH THEIR COUNSEL OF RECORD HEREIN:

4 Pursuant to Federal Rule of Civil Procedure, Rule 6(b) and Local Rule 6-1, Plaintiff Noel
5 Carter, on the one hand, and Defendant Cook County Health (“CCH”) on the other hand,
6 stipulate to an extension of time for CCH to respond to Plaintiff’s complaint in this matter due to
7 a pending Motion for Transfer and Centralization of Related Actions to the District of Nevada
8 (“MDL Motion”) currently before the United States Judicial Panel on Multidistrict Litigation.
9 *See In re Perry Johnson & Assocs. Medical Transcription Data Security Breach Litig.* (“*In re*
10 *PJ&A*”) MDL No. 3096, ECF No. 1. In support of this Stipulation, the Parties jointly state as
11 follows:

12 1. On November 13, 2023, Plaintiff filed the initial Complaint against CCH and
13 Perry Johnson & Associates, Inc. (ECF No. 1.)

14 2. On December 11, 2023, the Court granted a Stipulation to extend CCH’s deadline
15 to respond to the Complaint to January 29, 2024. (ECF No. 10.)

16 3. A number of actions have been filed arising from the alleged data security
17 incident announced in 2023 by Perry Johnson & Associates, Inc.

18 4. On December 8, 2023, Plaintiffs in several of these actions filed the MDL Motion
19 that is pending before the United States Judicial Panel on Multidistrict Litigation. *In re PJ&A*,
20 ECF No. 1. A hearing on the MDL Motion is set for January 25, 2024. *Id.* at ECF No. 5.

21 5. An extension of CCH’s deadline to answer or otherwise respond to the Complaint
22 until after ruling on the pending MDL Motion will permit sufficient time for CCH to investigate
23 factual and legal issues and to assess what impact, if any, the MDL Motion may have on the
24 above-captioned action, including potential centralization.

25 6. No scheduling order has been entered in this action, thus there are no dates set for
26 trial, motions or discovery.

27 7. This is CCH’s second request for an extension of time to respond to the
28

1 Complaint. This request is not for purposes of delay, and the requested extension will not
2 prejudice any party.

3 8. By entering into this Stipulation, CCH does not waive any defenses available to it,
4 including jurisdictional defenses.

5 9. WHEREFORE, the Parties hereby stipulate, agree and respectfully request that
6 the Court extend the deadline for CCH to answer, move or otherwise respond to the Complaint to
7 and including February 29, 2024.

8 Respectfully submitted,

9 Dated: January 25, 2024

GORDON REES SCULLY MANSUKHANI, LLP

10 By: /s/ Sean Flynn
11 Sean Flynn (SBN 15408)
12 Scott L. Schmookler (*pro hac vice*
pending)

13 *Attorneys for Defendant*
14 *Cook County Health*

15 Dated: January 25, 2024

MARKOVITS, STOCK & DEMARCO, LLC

17 By: /s/ Terence Coates
18 Terence Coates
19 *One of the Attorneys for Plaintiff*
20 *Noel Carter*

21 **IT IS SO ORDERED:**

22 
23 DAYNA J. ZOUCHEK
24 UNITED STATES MAGISTRATE JUDGE

25 DATED: January 26, 2024
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